

3. 28 U.S.C. § 1446(b) provides that any notice of removal must be filed within thirty (30) days after receipt of the pleading. Accordingly, the due date for the filing of Defendant's notice of removal is on or before February 3, 2008, and this Notice of Removal is timely filed.

4. A true and correct copy of Plaintiff's Amended Complaint is attached hereto and marked Exhibit "A." The Amended Complaint is the only pleading that has been filed with the Court and served upon Defendant at this time.

5. The Amended Complaint states that the underlying action is brought pursuant to a claim for long-term disability benefits under a group insurance policy ("Plan") issued by Plaintiff to Defendant's employees, which include Barbra Pierce. Complaint at ¶2. A true and correct copy of the Plan, entitled "Agents Group Insurance Plan," is attached hereto and marked Exhibit "B." Plaintiff is seeking declaratory relief that any administration of Defendant's claim or payment of benefits should be suspended. Complaint at ¶10.

6. The Plan was a group contract of insurance between Plaintiff and Defendant's employer to provide long-term disability benefits for employees, and constitutes an ERISA-governed "employee welfare benefit plan" as defined in 29 U.S.C. § 1002(1). Furthermore, Defendant is a "participant" under the policy as defined in 29 U.S.C. § 1002(7).

7. This Court has original jurisdiction over this matter under 29 U.S.C. §§1132 and 1144 and 28 U.S.C. §1331. Defendant is, therefore, entitled to remove this action to this Court pursuant to 28 U.S.C. §§1331 and 1441.

8. Barbra Pierce is the only named defendant and no consent to removal is needed.

WHEREFORE, Defendant BARBRA F. PIERCE gives notice that this cause has been removed from the Circuit Court of the Nineteenth Judicial Circuit, Lake County, Illinois, to the United States District Court of the Northern District of Illinois, Eastern Division, pursuant to the provisions of 28 U.S.C. §§ 1441 and 1446 and the Local Rules of the United States District Court, Northern District of Illinois, Eastern Division.

Respectfully submitted,

BARBRA F. PIERCE, Defendant

By: /s/ Mark D. DeBofsky

One of her attorneys

Mark D. DeBofsky  
Daley, DeBofsky & Bryant  
55 W. Monroe St., Ste. 2440  
Chicago, Illinois 60603  
(312) 372-5200  
FAX (312) 372-2778

**CERTIFICATE OF SERVICE**

The undersigned, attorney for Defendant, hereby certifies that he caused this **NOTICE**

**OF REMOVAL OF CAUSE** to be served on:

Keith G. Carlson  
Carlson Law Offices  
218 N. Jefferson, Ste. 101  
Chicago, Illinois 60661  
(312) 627-1212  
by ECF as indicated on January 17, 2008

/s/ Mark D. DeBofsky  
Mark D. DeBofsky